

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
HARRY DUGGER

Serial No. 09/537,118

Filed: March 29, 2000

For: BUCCAL, POLAR AND NON-POLAR
SPRAY OR CAPSULE

Group Art Unit 1616

Examiner: Mina Haghigian

I hereby certify that this correspondence
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States Postal Service as First Class Mail in
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May 13, 2002

(Date)

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. §§1.97 and 1.98, applicants
and their attorneys respectfully request that the following patents, copies of which are
attached hereto, be made of record in the official United States Patent and Trademark
Office file relating to the above-identified application.

U.S. Patent Nos.

5,186,925

Foreign Patent Publications (Publication Nos.)

DE 41 12 303 A 1

EP 0 213 108 A2

DE 41 32 176 A 1

EP 0 504 112 A2

The above-listed patents and publications were cited in an European

counterpart application and divisional applications thereof of the parent PCT application of the present application. It is applicant's view that notwithstanding the citation by the European Patent Office, it is applicant's position that none of these references per se or in combination would be damaging to the patentability of the claims in the present application.

U.S. Patent 5,186,925 is directed to a Nitroglycerin Pump Spray. There is no nitroglycerin within the scope of claims of the present application.

DE 41 12 203 A1 is again directed to nitroglycerin and specifically directed to the metal content of an aerosol spray device. Again, this is not relevant to the invention claimed herein.

DE 41 32 176 A1 is directed to aerosol sprays utilizing, as does applicant, hydrocarbons as the propellant. This disclosure, however, may be distinguished from the invention claimed herein in that the reference does not utilize solvents but uses tensides to, presumably, dissolve the pharmaceuticals in the propellant.

EP 0 213 108 A2 is directed to the use of a specific sympathomimetic (i.e., cardioactive) materials not within the scope of the present invention. It is also pointed out that notwithstanding the very broad language of the specification and main claim the propellants are chlorofluoro carbons which are not within of the scope of the present invention and furthermore, the formulations which are shown require the presence stearic acid which again is not present in the present application.

EP 0 504 112 A2 is directed to aerosol formulations none of which disclose a hydrocarbon per se as sole propellant. Furthermore, all formulations require the presence of a tenside. Hence, again, this reference is not relevant to the present invention.

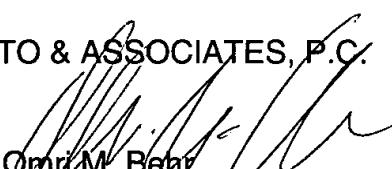
In order to facilitate the Examiner's citation of the patents listed above,

applicants' attorney has completed United States Patent and Trademark Office Form PTO-1449. The completed Form is attached hereto for the Examiner's convenience.

Since this Supplemental Information Disclosure Statement is being submitted after the mailing date of a first Office Action but before issuance of a final Office Action or Notice of Allowance, a \$180 fee is believed to be due, pursuant to 37 CFR 1.97(c)(2) and 1.17(p), and the Examiner is hereby authorized to charge such fee to Deposit Account No. 19-1218. Should there be any additional fees due as a result of the submission of this Supplemental Information Disclosure Statement, the Examiner is hereby authorized to charge them to Deposit Account No. 19-1218.

Respectfully submitted,

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